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COMMITTEE ON THE RIGHTS OF THE CHILD

Tenth session

SUMMARY RECORD OF THE 240th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 2 November 1995, at 3 p.m.

Chairperson: Mrs. BELEMBAOGO

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The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Ukraine (CRC/C/8/Add.10/Rev.1) (CRC/C.10/WP.3) (continued)

1. At the invitation of the Chairperson, Mrs. Grygorovytch, Mr. Shamsur, Mr. Semashko and Mrs. Iskova (Ukraine) took seats at the Committee table.

2. The CHAIRPERSON invited the members of the delegation of Ukraine to reply to the questions put by the members of the Committee at the preceding meeting, focusing on the section of the list of issues (CRC/C.10/WP.3) entitled "General principles", which read:

"General principles
(Arts. 2, 3, 6 and 12 of the Convention)

8. Please provide details of the contents of administrative acts which ensure that the principle of the best interests of the child is a primary consideration in all actions concerning children.

9. What concrete measures have been taken to sensitize public opinion and educate personnel working with children about the need to encourage children's participatory rights?"

3. Mrs. GRYGOROVYTCH (Ukraine) said that it was important for countries to implement article 30 of the Convention. The Convention was available in Ukraine both in Ukrainian and in Russian and would be distributed in the languages of all national minorities according to demand. Ukraine had a special State editorial section that dealt with publications in languages of the national minorities and she believed that Ukraine was in conformity with the requirements of the Convention in that regard.

4. The basis of overall Ukrainian policy in the field of the rights of the child was the generally accepted concept of human rights. The Ukrainian Parliament was considering the establishment of an ombudsman's office. On the question of racial discrimination, she said that there had been no instances of racial discrimination in Ukraine.

5. Referring to the minimum age of employment for children, she drew the Committee's attention to paragraph 19 of the report (CRC/C/8/Add.10/Rev.1), which stated that "The employment of persons under the age of 16 is prohibited (Labour Code of Ukraine, art. 188). Subject to the consent of one of the parents or of the person acting in loco parentis, persons who have reached the age of 15 may exceptionally be employed (ibid.)". Ukraine recognized that it was preferable for children to complete their schooling up to the age of 16 and the provision allowing children to be employed at the age of 15 was rarely applied. As to the age for marriage, Ukrainian legislation allowed boys to marry at the age of 18 and girls at the age of 17. That was not just a question of the sexual maturity of the marriage partners, since consideration was also given to the maternal role girls would be called upon to play when

they married. In very exceptional cases, the age of marriage for girls could be lowered. Those provisions had been in place for many years and a very small percentage of girls married below the age of 17.

6. The written replies provided by Ukraine had described Gypsy children as "restless". The term did not refer to their geographical mobility, but to the conclusion reached by many educational experts that Gypsy children had difficulty remaining still during a 45-minute lesson. As for measures taken to deal with the problem of the education of Gypsy children, the administrations of the two regions with large Gypsy populations had introduced regional education programmes to ensure that Gypsy children were provided with an appropriate educational framework. Those efforts had not always been successful because of problems such as the mobility of Gypsies, the lack of special schools and the occasionally difficult relationships between schools and parents.

7. The Ukrainian Committee for Women's, Maternal and Children's Affairs had taken up the problem of Gypsy education, which was also covered by the new Education Act, and the principle of a 5 per cent quota of students from national minorities in higher education had been proposed.

8. The CHAIRPERSON invited the members of the Committee to put questions on the section of the list of issues on civil rights and freedoms, which read:

"Civil rights and freedoms
(Arts. 7, 8, 13-17 and 37 (a) of the Convention)

10. What steps are being taken to encourage the publication, dissemination and availability of children's literature?

11. What steps are being taken to protect children from violence and other harmful influences in the mass media?"

9. Mrs. SANTOS PAIS said that, according to the report, there was no specific legislation in Ukraine to preserve the identity of the child, as required by article 8 of the Convention. She suggested that the Convention itself could serve as a model to fill that gap in the legislation. The point was not merely a legal one, as the lack of such provisions facilitated activities such as the traffic in children. She asked whether there was any specific provision in Ukrainian law to prohibit torture and whether any independent body existed to receive and investigate complaints of torture by children and to punish torturers.

10. Mr. MOMBESHORA said he believed that, since Ukraine had become independent, there had been a sharp increase in the number of religious groups, some of which targeted children, upon whom they had a pernicious influence by discouraging them from attending school or from receiving medical assistance. He asked whether there was such a problem and, if so, what measures had been taken to solve it.

11. Mr. HAMMARBERG requested additional information on the implementation of article 17 of the Convention and he asked what measures had been taken to produce children's magazines and whether the situation of children's

publications had worsened in recent years. He also wished to know what action had been taken to protect children against harmful printed matter and video material.

12. Miss MASON noted that the information provided by Ukraine on civil rights and freedoms was limited to the question of citizenship. She would appreciate a comparison between the former communist system and the new system developing in Ukraine and the impact of the new system on the population in terms of the rights of the child and freedoms, privacy and access to information. She asked how the population of Ukraine had reacted to the transition to a democratic system and whether it was perceived as an intrusion. While it was, of course, not possible to form people's attitudes by legislation, she would appreciate information on how the population had been made aware of the changes that had taken place and how it had reacted.

13. Mrs. KARP asked how the problem of the simultaneous introduction of the rights of the child and human rights for adults had been managed in Ukraine and, in particular, what role had been played by the courts.

14. Paragraph 11 of the written replies by Ukraine stated that "in accordance with article 2 of the Ukrainian Television and Radio Broadcasting Act of 21 December 1991, radio and television organizations may not broadcast propaganda advocating war, violence or cruelty or stir up racial, national or religious hatred or disseminate pornographic or other material which is likely to undermine moral principles, encourage crime or degrade the honour or dignity of the human person". That provision could prove to be rather restrictive and she would appreciate information on how Ukraine had achieved a balance between those restrictions and the need to respect freedom of expression. She appreciated the difficulty of defining the borderline between those two constraints, particularly in a time of transition.

15. Mrs. EUFEMIO asked whether it was customary to give young children war toys to play with and whether there were any measures to control the availability of toys that fomented or idealized violence among very young children. She pointed out that some countries had banned such toys. Referring to the registration of births, she asked whether there had been any incidents of false birth certificates being issued by persons who intended to traffic in children. She believed there had been a case involving doctors and pointed out that it was easy for health personnel to engage in such practices. She asked whether there had been any cases in Ukraine and, if so, what had been done to deal with them.

16. Mrs. SARDENBERG said that, as Ukraine was working to consolidate democracy, a process in which civil society had a crucial role to play, it was important to establish favourable conditions so that the different groups in society could express themselves. She asked what was being done to fund media that expressed viewpoints different from those of the Government and whether any plans existed for the Government or associations to prepare guidelines to protect children from harmful media influence.

The meeting was suspended at 3.35 p.m. and resumed at 3.45 p.m.

17. Mrs. GRYGOROVYTCH (Ukraine), replying to the question on how the identity of the child was protected if it was abandoned by its parents, said the right to the preservation of identity was protected by national legislation, notably by the law on citizenship. All such issues would be covered by Ukraine's new Family Code, which had been recognized by the Council of Europe as fully in conformity with international legal norms.

18. Violence against children was an issue of great importance. Regrettably, it did occasionally occur, since the public was not as yet sufficiently aware of the rights of the child in that respect and because cases of violence within the family only came to light once they had been brought before the courts. Attempts were being made to deal with the problem and statistics were collected on all incidents involving violence committed against children by parents.

19. In reply to the question on the right of the child to freedom of religion, she said that there was complete freedom of thought, conscience and religion in Ukraine except with regard to forms of belief considered psychologically and socially harmful. For example, one religious organization which had been found to be subjecting the children it recruited to undesirable practices and isolating them from society had now been banned.

20. On the subject of freedom of access to information through the media, two new bills, one on the press and the other on advertising, were currently before Parliament. They contained provisions to protect young people from any harmful influences exerted through the media, such as war propaganda, while at the same time guaranteeing them free access to information.

21. In response to the question on the effects on children of Ukraine's transition to a new form of society, she stressed that every effort was being made to retain the advances made in the health and social fields under the previous system and to build on them for the future. All citizens of the Ukraine were aware of the importance of the new Constitution now in the process of preparation and were eagerly awaiting its entry into force.

22. On the question of the dissemination of information, in July 1995, the Ukrainian Supreme Council had set up a commission on radio and television, which would be responsible for monitoring and regulating broadcasts by the mass media. There were only two official Government newspapers in the Ukraine: all the rest were entirely independent and there were also several independent commercial television channels.

23. On the question raised by Mrs. Eufemio, she said that very few toys of any kind were in fact produced in the Ukraine. However, she agreed that steps should be taken to impose restrictions on the import of any foreign toys which might encourage violence and cruelty in children.

24. As to the problem of the registration of children at birth, it was unfortunate that, in the current period of transition, cases in which the name of a newborn child had been altered on the birth certificate had been known to occur. She hoped that in future measures would be taken to ensure that such abuses did not recur.

25. Finally, on the subject of children's reading, there were numerous magazines catering for the interests of young people in the Ukraine and, in addition, the President's Office issued frequent press releases on topics of interest to families and children, particularly on matters relating to the rights of the child.

26. Mrs. SANTOS PAIS, referring to the right of the child to the preservation of its identity, said it was clear that there was a need to make article 8 of the Convention directly applicable in Ukraine. In the absence of any system of monitoring, it would be easy for the name of a child, or even its date of birth, to be altered, thus facilitating trafficking or illegal adoption at a later stage.

27. Mr. HAMMARBERG thanked the representative of Ukraine for her reply to the question concerning the media. However, the experience of other countries was that legislation in that field was not sufficient, since it was difficult to strike a balance between the need to guarantee freedom of opinion and the need to protect children. Legislation had to be supplemented by education, so that parents knew how to protect their children from the effects of, for instance, video violence.

28. On the problem of torture, he pointed out that, in order to comply with the spirit of the Convention, the State party should also take account of article 19. The policy should be not to allow abuse of children in any circumstances. In State institutions such as orphanages, corporal punishment of children unfortunately did occur. Had the Ukraine considered legislation banning any physical ill-treatment of children, not only in institutions, but also in the home?

29. Mrs. KARP asked whether the abandonment of children by their parents in practice resulted in criminal prosecution.

30. She understood that the Government was now preparing new legislation on internal adoption. Was there any intention to regulate international adoption by means of legislation?

31. Miss MASON said the representative had stated that citizens of the Ukraine were eagerly awaiting the introduction of the new Constitution. In the meantime, however, how was the right of the child to privacy ensured, both within the family and in institutions? Were children involved in the sex industry able to receive adequate treatment and support without any risk that a breach of privacy would jeopardize their future?

32. Mr. KOLOSOV asked whether it was the intention of Ukraine to become a party to the 1993 Hague Convention on cooperation in the field of intercountry adoption. If so, it would be worthwhile for it to take into account the provisions of the Hague Convention when preparing new legislation.

33. Mrs. GRYGOROVYTCH (Ukraine) said new legislation on adoption, both by Ukrainian nationals and by others, was currently being drafted. She was confident that it would be in line with the provisions of the Hague Convention. A Government commission was also to be set up shortly to deal

with all issues relating to mothers and children. It would include jurists, representatives of religious groups, health professionals, and members of non-governmental organizations.

34. She agreed that parents should be involved to the fullest extent possible in ensuring that children were given information on their rights and freedoms under the Convention and on the guarantees available to them. On the question of whether Ukraine had a comprehensive policy on the matter, she pointed out that the Government's programme entitled "Education: Ukraine in the twenty-first century" already made provision for all aspects of the education of children in Ukraine and set targets for the development of the system up to the year 2000.

35. Penalties for parents who abandoned their children were laid down in the Penal Code and such cases were decided by the courts. On the matter of children sent abroad for adoption, there were currently some gaps in Ukrainian legislation and measures were now being taken to remedy that situation. A data bank providing information on children who were available for adoption had been set up to ensure that there were no abuses and all adoptions were effected through official channels.

36. On the matter of nutrition, she said that Government regulations ensured that all children under the age of three received adequate nutrition. On the question of health, Ukraine was concerned at the increase in the incidence of tuberculosis and diphtheria among children and had launched a State immunization programme which had already achieved significant results. Immunization was provided free of charge in schools. School meals were also free. Special provision was made for orphan children, children of one-parent families and handicapped children.

37. The CHAIRPERSON invited the Committee to take up the section of the list of issues entitled "Family environment and alternative care", which read:

"Family environment and alternative care
(Arts. 5, 18, paras. 1 and 2, 9, 10, 27, para. 4, 20, 21, 11, 19, 39 and 25 of the Convention)

12. Please provide information on the implementation in practice of the provisions of article 9, paragraph 3, of the Convention.

13. Please indicate the measures in place or envisaged to provide parental education and family counselling services in order to assist parents in the performance of their child-rearing responsibilities. In addition, please indicate whether education about the Convention exists in the training or retraining programmes developed for social workers.

14. In the light of the information contained in paragraph 73 of the report concerning the implementation of article 25 of the Convention, please provide further details of the periodic review of the treatment of children who have been removed from their family and placed in alternative forms of care."

38. Mr. KOLOSOV noted that, in her introduction, the representative of Ukraine had stated that there was a very serious problem of vitamin deficiency in children in her country. However, she had just said that all children under the age of three received adequate nutrition. Could the representative explain that contradiction?

39. Mrs. KARP said she was aware that, under the Ukrainian Penal Code, the abandonment of children was prohibited. Her question was, rather, whether criminal proceedings were in fact brought against parents who abandoned their children.

40. Did an adopted child have the right, on reaching a certain age, to obtain information about his real parents?

41. Mrs. SANTOS PAIS said she too would appreciate an answer to that question. It could be extremely detrimental to a child to maintain secrecy about its parentage.

42. The representative had stated that Ukraine intended to set up a data bank on children available for adoption. Was there not a danger that that data could be accessed by persons who might subsequently exploit them?

43. She had been greatly concerned to note the high rate of abandonment of children, particularly of newborn babies, in the Ukraine. What preventive measures had been taken to make parents realize that abandonment was not a good solution, either for the child or for the family? When children were taken into institutions, what kind of assistance was given to families to enable them to take them back into a family environment, so that institutionalization was not seen as an easy answer, but merely as a temporary solution?

44. She had been struck by the high rate of violence against children within families in Ukraine. Was the corporal punishment of children by parents forbidden under Ukrainian law and what support was given to the family and to the child in situations where there was ill-treatment?

45. Miss MASON asked which ministry or Government department in Ukraine was responsible for the welfare of children and families. On the question of institutionalization, it appeared from the report that orders for children to be removed from their homes were made only by a judge. How was the judge to decide whether removal was in the child's best interests? Did he ask the opinion of the child, or seek guidance from experts, such as psychiatrists or social workers? In cases where custody had to be decided, was the child given the opportunity to express an opinion?

46. Was there a department responsible for assisting families in cases of the breakdown of marriage? Before divorces were granted, was any family counselling given to couples, especially regarding the impact of divorce on the child?

47. Mrs. KARP said she understood that it was the policy of the Government to remove handicapped children from their homes, on the grounds that they would receive better treatment in institutions. What was done to enable families to

maintain contact with children in institutions, particularly in cases when they had been removed from polluted areas to clean areas? Was there any procedure whereby the opinion of the child could be heard? Lastly, what protection did children in institutions have against sexual abuse and violence by staff?

48. Mr. HAMMARBERG said that the Committee had the impression that efforts were being made to change the policy which Ukraine had inherited to find ways to bring children from institutions into a family-like situation and at the same time to improve conditions for those still in institutions.

49. He realized that it was not easy to encourage persons to accept children from an institution and that that would probably require the support of social workers and other professionals in the field. He would welcome information on the steps being taken to promote family planning and sexual education in order to avoid to the greatest possible extent unwanted pregnancies and cases of HIV infection.

50. Mrs. EUFEMIO noted that the report of the Ukraine indicated many failures of marriages and the existence of single parents. There was therefore a need to do something in order to prevent such a situation, for example, by promoting sex education, and it was clear that schoolchildren could begin to prepare to be responsible adults. Even pre-school children in day-care centres could begin to prepare for a responsible family life.

51. It was still possible to remind couples of their responsibility as parents. In that connection, she noted that other countries had adopted the practice of pre-marriage counselling. Couples should be made more aware of the fact that their marriage licence was a social contract which would result in the creation of a future generation. She would like the know the Ukrainian delegation's views on the possibility of a preventive strategy that would begin with pre-school children, involve older children and, subsequently couples who were to be married.

52. Miss MASON, referring to the first sentence of paragraph 56 of the report, said she would like to know what the situation was when the parents lived together and whether the one stripped of parental rights was then removed from the home. She also wondered which section of the judiciary was responsible for children in family matters and whether Ukraine had a family court.

53. Mrs. GRYGOROVYTCH (Ukraine), referring to the question on the reasons for vitamin deficiency, said that account must be taken of the fact that, in Ukraine, every second pregnant woman suffered from anaemia and that there was an obligation to provide adequate nutrition only for children up to three years of age. Free school meals were provided only to younger schoolchildren and underprivileged children. Her country could not provide free meals to all children in their fourth or fifth year. The State's obligations were being met as far as the nutrition of the youngest children was concerned.

54. In the case of parents who had abandoned their children because they had no resources, that fact was taken into account by the law. Mothers could give up their children and were not punished by the law if they signed a discharge statement. The children were then taken to an orphanage.

55. On the question whether a child had the right to know the names of his parents, she said that the secrecy of adoption was maintained primarily in order to ensure the normal psychological development of the child. Providing such information to the child at an early age could have a serious impact on its mental health. The proposed draft of a new family code therefore provided that children who had not reached the age of majority could not be given such information. The proposed data bank on children available for adoption would be managed by a Ukrainian committee on adoption, which would alone have access to data concerning the names of children available for adoption and of persons interested in adopting children.

56. In Ukraine, there were eight special institutions for children from disadvantaged families. They were similar to boarding institutions, were well equipped and provided vocational training. The children could go there for a few years, receive some vocational training and then return to their families.

57. There were a number of legal reasons why parents could be deprived of their parental rights, for example, when they had deliberately failed to fulfil their parental obligations or inflicted corporal punishment on their children. Cases where children had been taken away from their parents had occurred and had been decided by the courts.

58. In Kiev, a family service programme consisting of a telephone line had been set up and could be used by children and parents to obtain advice. There was also a psychoanalytical service in Kiev that people could consult.

59. Children in special institutions were able to maintain contact with their families. Efforts were being made to prevent sexual abuse in those institutions, but that was a difficult task and much remained to be done. A key role in that connection had to be played by the Committee on the Care of Motherhood and Children.

60. Replying to the question on family planning and sex education, she said that, in September 1995, her Government had endorsed the family-planning programme, which had been commended by international experts, as well as by WHO and the Council of Europe. Her country provided information on family-planning methods and gave advice to young girls and boys, warning them of the dangers involved in unwanted pregnancies. Much remained to be done with regard to sex education. During the past three years, in Kiev and other parts of the country, a programme had provided information on sex and family-planning methods.

61. The only way to prevent divorces was to show young people how to establish a family. People who wanted to be divorced were told to think carefully about taking such action and to recognize that it was a very serious decision to make. She was certain that, if couples thought about it carefully, in 60 or 70 per cent of the cases, they would decide not to divorce.

62. With regard to the question of family courts, her country was currently involved in reforming its legal process and it was planned that the courts would be given a status that would be in accordance with the way in which the court system operated in other democratic countries.

63. In 1994, Ukraine had ratified the Convention and had also introduced legislation on minors and juveniles. It had set up a legal basis for the operation of bodies involved in the implementation of social welfare measures.

64. Mr. HAMMARBERG, referring to the question of adoption and the problem of secrecy, said that an increasing number of countries encouraged parents to inform their children about what had actually happened rather than surrounding it in secrecy, thereby dramatizing the situation. With regard to institutions, there was always the possibility that there might be too many children per staff member. In that connection, it would be interesting to know the official assessment of that approach and the problems that had arisen.

65. On the question of abuse, he noted that paragraph 55 of the report of Ukraine referred to deprivation of the parental rights of persons if they mistreated their children or inflicted corporal punishment on them. In fact, there was no need to adopt such drastic solutions for every case. In his opinion, what the Committee had in mind was a clear signal from the relevant legislation that ill-treatment of children should never take place. If it did occur, the solution in all cases might not be for the child to be taken away from the parents. That might also be contrary to the best interests of the child. Efforts should rather be made to solve the problem within the family, if possible.

66. He asked whether it had been possible to make an assessment of the operation of the telephone system scheme.

67. The CHAIRPERSON said that the question of secrecy in adoption was a very delicate matter, given the effect that it might have on the future life of the child. There were some cases in other countries, which might be seen as exceptions, but which in fact were becoming increasingly common, of children who had committed suicide merely because they had discovered their origins unexpectedly. They were children who had not known that they had been adopted. They had never been psychologically prepared to find out that they had been adopted and, consequently, bore some kind of grudge against their adoptive parents. Despite all the kindness that the parents had shown to them, they actually felt resentment against them. More and more countries were therefore considering the possibility of legislation which would make it possible for a child to discover his origins at any time and, if he so wished, to resume contact with his biological family. However, situations could always be complex and that might not always be in the best interests of the child.

68. Certain legislative provisions referred to two types of adoption and, depending on the particular child, a judge could encourage either a simple form of adoption or a more complex form. In the case of simple adoption, the child would keep his original name and could even maintain contact with his original family. He could even inherit from his biological family. Thus,

under that system, the child would have contact with two families. In the case of full adoption, however, the child would break off all contact with his original family and become definitively part of his adoptive family.

69. Where a child did not know his original family and suddenly found out that he was adopted and discovered who his original family was, he might not always take it very well. In such an instance, the idea of promoting the best interests of the child had obviously not worked, particularly if the child committed suicide. That might be an extreme case but it had occurred and the Committee had to think of all the measures that might be required to ensure the best interests of the child.

70. Mrs. SANTOS PAIS said that there was a need to consider the best interests of the child on the basis of article 7, paragraph 1, of the Convention relating to the child's right to know his or her parents. She could understand the interest in the adoption data bank, but issues of secrecy and of access to computerized personal data must be balanced against the rights of people in the data bank to know what was being said about them.

71. She was also interested in how to prevent abandonment, encourage a responsible parenting role and prevent increases in the divorce rate. Removing the child from the family was an extreme solution in cases of ill-treatment. Article 19 of the Convention referred to legislative, administrative, social and educational types of measures and suggested the need for social programmes to address the situation of parents and family violence.

72. Miss MASON asked what the procedure was for national and international adoptions. In the absence of a social welfare system, who was responsible for investigating prospective adoptive parents; could children be heard on the matter and at what age? She also asked for clarification of the statement in paragraph 72 of the report that the Government had no information on the illicit transfer or non-return of children abroad.

73. Mrs. KARP said that the large number of children in institutions in Ukraine raised questions about the policy of foster care or guardianship. What was that policy and would the Government consider training all the relevant staff? Was it monitoring those who were becoming guardians in the homes, including against possible abuse? The report discussed new experiments in monitoring institutions in big cities, but what happened in the rural areas? What kind of rehabilitation measures were there for victims of family abuse in those areas? The first measure to be taken in cases of abandonment was educational, but, if abandonment became a widespread phenomenon, stricter measures would be needed.

74. She understood from the Ukrainian delegation's earlier reply that parents who had no alternative to abandonment of their children were not prosecuted. What measures were there to support such parents and help them get their children back? Was there a special support policy for them?

75. Mrs. GRYGOROVYTCH (Ukraine) said it was true that there was a difficult situation in her country, especially in its boarding schools. There were eight specialized vocational training institutions for children from

underprivileged sectors. Given the socio-economic situation in those institutions, she agreed that things were difficult and could be better. There was a tendency to move away from the former type of boarding institutions and to promote a family environment. Such institutions were being set up by a number of people and that was an encouraging step. She had discussed measures that were still in the planning stages and had not yet come into existence, such as the new Constitution and the children's fund. Her Committee on Women, Maternity and Childhood was only four months old, and that was why the telephone service existed only in Kiev; it would take a long time to accomplish all of its proposed work.

76. The statement in article 7, paragraph 1, of the Convention that the child would have the right from birth "as far as possible, [...] to know and be cared for by his or her parents" was well phrased. In Ukraine, the child did have that right, but that in no way diminished the rights of the persons adopting him. There was a confidentiality law to protect the child's rights and, once he had come of age, he would have the right to know his origins.

77. The reference in paragraph 55 of the report to the deprivation of parental rights as the "ultimate legal sanction applicable to parents who do not provide their children with a proper upbringing" was not the norm; in most cases, such deprivation did not occur. The reference to the "grounds on which parents may be deprived" did not mean that it was obligatory that they should be so deprived, but, rather, denoted a possibility. Again, that was an extreme measure, which could be taken only by a decision of the court.

78. There was at present a moratorium on international procedures for adoption, so she would not answer the question asked on that point. As to domestic adoption procedures, paragraph 70 of the report referred to the Marriage and Family Code, which was new and applied only to minors. Adoption took place subject to a decision by the executive committee of a district or urban Council of People's Deputies following an application from the would-be adopter. The current procedure was that it was the regional department of the executive committee in each regional administration which would be responsible. International adoption, once it had begun again, would probably be done through the Commission on Adoption or the Office of the President of the Republic.

79. As to the question on rural areas, Ukraine was in its fifth year of independence and many measures were being taken for the first time in its history. Her Committee had regional divisions in the regional administrations and the activities of those divisions were still in the planning stages. However, they would eventually have direct contact with local institutions in rural areas and the regional branches would probably take a year to set up. Once they had been set up, they would pay close attention to rural areas. In time, the supervisory or monitoring functions would become effective in rural areas as well.

80. There were various forms of parental abandonment of children and those mothers who simply abandoned their children must bear criminal responsibility. Education and prevention of abandonment were crucial and measures were being planned, including the telephone helpline, regional guardianship and local mother/child welfare committees.

81. The CHAIRPERSON invited the members of the Committee to put questions on the section of the list of issues entitled "Basic health and welfare", which read:

"Basic health and welfare
(Arts. 6, para. 2, 23, 24, 26, 18, para. 3, and 27, paras. 1-3, of the Convention)

15. What percentage of the national budget is allocated to health services and of this, what proportion is allocated to child and preventive health-care programmes?

16. Please provide further information, including the main and basic indicators - disaggregated wherever possible according to gender and location, about the status of children's health in the Ukraine.

17. Please provide information, including statistical data where possible, on the situation of disabled children. What are the main causes of disablement? To what extent are children with disabilities provided with education, training, health-care services, preparation for employment and recreation opportunities?

18. What are the main primary health care programmes and what are the main problems, if any, encountered in their implementation?

19. Please provide further details of the 'Long-term programme for improving the condition of women and the family, and for mother and child welfare' (para. 86 of the report).

20. Is there any meaningful research on or marked improvement in the management of the Chernobyl disaster, especially with respect to the measures taken for the recovery and rehabilitation of the child victims of this disaster?

21. Please provide further information on the social security system and how children benefit from it."

82. Mr. KOLOSOV said that, for 70 years, socialist Governments had claimed that they were attempting to bridge the gap between rural and urban populations in the field of medical services, but nothing had been done. In the four years since independence, what realistic steps had been and were being taken in Ukraine in the medical and educational spheres? The gaps were quite serious and did not exist anywhere in Europe except for the Eastern European region.

83. Mrs. SANTOS PAIS asked what kind of preventive measures were being taken in respect of the abandonment of newborns and to ensure that parents and children alike had sufficient information on health education and family planning. Additional family planning programmes would help lower the high abortion rate in Ukraine.

84. Mr. MOMBESHORA said that the statistics in the report indicated that health service was good, but he wondered whether those statistics had been gathered in 1991 or earlier. Did they reflect a stable or worse-off situation? There were many specialists among health personnel in the country, but did Ukraine have health workers working in the community rather than in the hospitals? Who among health personnel were in the forefront of the implementation of family planning programmes? Specialists might not be the best ones to implement such programmes. The reply to the Committee's request for further indicators about the status of children's health, namely, that .8 per cent of children were in excellent health, seemed a very small proportion. What percentage of available drugs were produced in the country and what percentage were generic?

85. Mr. HAMMARBERG said that Ukraine, like many other countries, appeared to want the private sector to take over some responsibility for social support. There were problems with that approach, especially with regard to orphanages and similar institutions. Was there a clear policy both to encourage private initiative in that field and to have a system of control?

86. Mrs. KARP asked what the policy was for selecting those children whose lives could be saved by medical treatment outside Ukraine. What planning was being done to support medical treatment at home? Government support was inadequate to meet needs and there was a gap between the amount of funds allocated for children in institutions and the amount allocated to families that were caring for handicapped or sick children at home. What were the national policies and priorities on the use of humanitarian aid funds?

87. Miss MASON asked about the status of HIV/AIDS among children in Ukraine and what societal attitudes were in that connection. Were people with HIV/AIDS being segregated and what were the procedures when the illness was discovered? Among what segment of the child population or the population in general was the incidence highest? What forms of treatment and educational programmes were available? What was the status of teenage pregnancies and were sex education programmes of any use?

88. Mr. HAMMARBERG said that, according to the report, there was a high rate of unemployment of women and a gender bias, with women dismissed more quickly than men and without compensation. What was the extent of the problem? What measures existed to guarantee gender equality and to protect children in need of their mothers and their mother's income?

89. Mr. KOLOSOV said that infant mortality was highest in the Frankovsk and Kharkov regions and that that rate was higher than in the regions affected by the Chernobyl disaster. What was the reason for that? Had any studies been done on the matter and were there any plans for dealing with the problem?

The meeting rose at 5.55 p.m.